

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SCIENTIFIC TELECOMMUNICATIONS  
LLC.,

Plaintiff,

v.

VT IDIRECT, INC.

Defendant.

Civil Action No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Scientific Telecommunications LLC, files this complaint for patent infringement against VT iDirect, Inc. (“Defendant”):

**THE PARTIES**

1. Plaintiff Scientific Telecommunications LLC (“SciTel”) is a Delaware limited liability company with its principal place of business located at 913 N. Market St., Suite 200, Wilmington, Delaware 19801.

2. On information and belief, Defendant VT iDirect, Inc. (“iDirect” or “Defendant”) is a Delaware corporation with a principal place of business located at 13861 Sunrise Valley Drive, Suite 300, Herndon, VA 20171.

**JURISDICTION**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Defendant is subject to this Court's jurisdiction because Defendant has, upon information and belief, transacted business in the District and in the State of Delaware. Specifically, Defendant either directly and/or through intermediaries, upon information and belief, ships, distributes, offers for sale, and/or sells products and services in this District. Additionally, Defendant is a corporation organized and existing under the laws of the State of Delaware. Defendant thus has, upon information and belief, minimum contacts with this District and State, has purposefully availed itself of the privileges of conducting business in this District and State, regularly conducts and solicits business within the State of Delaware, and has committed acts of patent infringement in this District and State.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

### **COUNT I**

#### **(Infringement of U.S. Patent No. 6,058,429)**

6. SciTel incorporates and realleges the allegations of paragraphs 1-5 as if fully set forth herein.

7. On February 18, 1999, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 6,519,259 (“the ‘259 patent”), entitled “Methods and apparatus for improved transmission of voice information in packet-based communication systems,” to Albert Baker, Anthony Spagnolo, Richard Szajdecki, and Crag Wierzbicki, who assigned their rights and interests in the ‘259 patent to Avaya Technology Corporation. A true and correct copy of the ‘259 patent is attached as Exhibit A.

8. SciTel is the assignee of the ‘259 patent and has the legal right to enforce rights under the ‘259 patent, sue for infringement, and seek all available relief and damages.

9. Upon information and belief, Defendant is infringing and has infringed (literally and/or under the doctrine of equivalents) the '259 patent in this District and throughout the United States by, among other things, making, using, importing, offering for sale and/or selling infringing products, including the iDirect Evolution DVB-S2/ACM. Specifically, and without limitation, Defendant's iDirect Evolution DVB-S2/ACM system implements the DVB-S2/ACM protocol, which is a packet based communication system that is used to communicate information across a satellite. On information and belief, Defendant's system determines the total number of active channels of a given transport stream of the system to be coded at each of a plurality of code rates, assigns the code rates to the active channels in accordance with a specified code rate assignment process, and periodically adjusts the code rates in conjunction with the assigning step as a function of the total number of active channels and the bandwidth constraint, such that unused bandwidth resulting from one or more channels becoming idle during the time period is distributable among the active channels.

10. Defendant has knowledge of the '259 patent due to, among other facts, the fact that Defendant was notified of the '259 patent by plaintiff before the filing of this action.

11. Upon information and belief, Defendant takes active steps to induce its customers to infringe the '259 patent by taking affirmative steps to encourage and facilitate direct infringement by others with knowledge of that infringement, including, upon information and belief, by, among other things, instructing, directing, or otherwise encouraging its customers to use Defendant's iDirect Evolution DVB-S2/ACM system in an infringing manner. For example, on information and belief, Defendant provides instructions, design guides, and similar directions to its customers, including without limitation information provided at its Internet site,

<http://www.idirect.net/Products/Platform-Features/Evolution-DVB-S2-ACM.aspx>, to operate and configure Defendant's products to infringe the '259 patent.

12. Defendant committed these acts of infringement without license or authorization.

13. Defendant undertook its actions of, *inter alia*, making, using, offering for sale, and/or selling unlicensed systems, and products and/or services related thereto despite an objectively high likelihood that such activities infringed the '259 patent, which has been duly issued by the United States Patent and Trademark Office, and is presumed valid. Since at least the time of being notified of the patent, Defendant has been aware of an objectively high likelihood that its actions constituted, and continue to constitute, infringement of the '259 patent and that the '259 patent is valid. Despite that knowledge, on information and belief, Defendant has continued its infringing activities. As such, Defendant willfully infringed the '259 patent.

14. As a result of Defendant's infringement of the '259 patent, SciTel has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

15. SciTel has also suffered and will continue to suffer severe and irreparable harm unless this Court issues a permanent injunction prohibiting Defendant, its agents, servants, employees, representatives, and all others acting in active concert therewith from infringing the '259 patent.

#### **DEMAND FOR JURY TRIAL**

Plaintiff SciTel, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

**PRAYER FOR RELIEF**

For the above reasons, SciTel respectfully requests that this Court grant the following relief in favor of SciTel and against Brocade:

(a) A judgment in favor of SciTel that Defendant has directly infringed (either literally or under the doctrine of equivalents) one or more claims of the '259 patent (the "Asserted Patent");

(b) A judgment in favor of SciTel that Defendant has induced infringement (either literally or under the doctrine of equivalents) of one or more claims of the Asserted Patent;

(c) A judgment in favor of SciTel that Defendant has willfully infringed the Asserted Patent;

(d) A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert or participation with Defendant, from infringing the Asserted Patent;

(e) A judgment and order requiring Defendant to pay SciTel its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendant's infringement of the Asserted Patent;

(f) A judgment and order for treble damages pursuant to 35 U.S.C. § 284;

(g) A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding SciTel its reasonable attorneys' fees; and

(h) Any and all such other relief as the Court deems just and proper.

Dated: June 13, 2016

STAMOULIS & WEINBLATT LLC

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